

## R E M A R K S

- Claims 1 to 3 and 5 to 23 are pending in this application
- Claims 1, 8, 13, 16 and 19 to 23 have been amended herein
- Claims 10 and 15 have been canceled herein without prejudice to pursue in another application
- Claims 1 to 3, 5 to 9, 11 to 14, and 16 to 23 will be pending upon entry of this amendment
- Claims 1, 8, 13, 16, and 19 to 23 are independent

### **A. Section 102(e) Rejections/Objections**

The Examiner rejected Claims 8, 9, 13, 14 and 16 to 23 under 35 U.S.C. section 102(e) as being anticipated by U.S. Patent Publication No. 2001/0004363 (Usukura).

Further, the Examiner objected to Claims 10 to 12 and 15 but indicated that these claims include allowable subject matter. More specifically, the Examiner has indicated that Claims 10 to 12 and 15 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants appreciate the Examiner's indication. Applicants have thus amended independent Claim 8 to include the allowable feature of Claim 10 and canceled Claim 10. Similarly, Applicants have amended independent Claim 13 to include the allowable feature of Claim 15 and canceled Claim 15. Thus, Applicants submit that amended Claims 8 and 13, and Claims 9, 11-12 and 14 which depend therefrom, are allowable. Further, Applicants have amended independent Claims 16 and 19 to 23 to recite the allowable feature of Claim 10 which

the Examiner agreed would render such claims allowable (see attached Interview Summary). Consequently, Applicants submit that amended Claims 16 and 19 to 23, and Claims 17 and 18 which depend therefrom, are allowable. Thus, Applicants assert that all claims objected to or rejected under 35 U.S.C. 102(e) are now in condition for allowance and respectfully request withdrawal of the respective objection or rejection.

#### **B. Section 112 Rejections**

The Examiner rejected Claims 1 to 3 and 5 to 7 under 35 U.S.C. section 112 as being indefinite. Applicants have amended Claim 1 to recite "a scheduler adapted to assign priorities to outbound data frames associated with data flows, the scheduler including one or more scheduling queues, each scheduling queue adapted to indicate an order in which data flows are to be serviced, at least one scheduling queue having at least two of the output ports assigned to the scheduling queue." (Emphasis added). Applicants assert amended Claim 1 particularly points out and distinctly claims the subject matter of the Applicants invention. Further, the Examiner agreed such clarification would render Claim 1 allowable (see attached Interview Summary). Consequently, Applicants respectfully submit Claim 1, and Claims 2 to 3 and 5 to 7 which depend therefrom, are in condition for allowance and respectfully request withdrawal of the rejection.

#### **C. Conclusion**

The Applicants believe all claims are in condition for allowance, and respectfully request reconsideration and allowance of the same. Applicants do

not believe any other fees are due regarding this amendment. If any other fees are required, however, please charge Deposit Account No. 04-1696. The Applicants encourage the Examiner to telephone Applicants' attorney should any issues remain.

Respectfully Submitted,



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